

ANSWER AND COUNTER MEMORIAL.

To the Honorable, the Senate of Maryland :

The answer and counter memorial of Levin L. Waters, to the memorial of Samuel A. Graham, contesting the election of this respondent, as Senator for Somerset county.

This respondent admits, that at the election held for State Senator for said county, on the 8th November, 1864, the said Graham was a candidate for that office, and received a large number, to wit: the number of six hundred and eighty-seven votes; and that a large number, to wit: the number of two thousand and forty-two votes for that office, were placed in the ballot boxes for this respondent, and that this respondent was thereupon declared duly elected by the Judges of Election; and your respondent herewith files an authenticated copy of the returns of the said election, according to the poll in the several Election Districts, marked A; and also a copy of the return of the said election, and the judgment and declaration of the presiding Judges at said election, that this respondent was duly elected Senator for Somerset county, marked B, which copies this respondent prays may be read as part of this counter memorial.

This respondent admits, that on or about the 30th day of November, in the year 1864, notice of the intention of the said Graham to contest the election of this respondent, was served upon this respondent, but this respondent avers, that no copy of the memorial has been served upon him, and that he has never received any notice of the grounds of said contest, or of the time and place for taking testimony to sustain the said contest on the part of the contestant, as required by the Code of Public General Laws.

This respondent respectfully excepts to the allegations of the said memorial, upon which is based the charge this respondent is ineligible to the said office, because the said allegations are so vague and indefinite, that this respondent ought not to be required by this Honorable Senate to answer them. This respondent respectfully submits, that before he ought to be called on to defend himself before this Honorable